Jeopardy Assessment

for the Proposed Incidental Taking Authorization
of the Butler's Garter Snake

Reconductor and Partial Rebuild Project - Port Washington to Range Line
Ozaukee and Milwaukee Counties, Wisconsin

Background

The state-threatened Butler's garter snake is the smallest of the five Wisconsin garter snake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's garter snake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 30 locations where this species has been documented from 1973 to present. Twenty-five of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's garter snakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the location of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In Summary, the Butler's garter snake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

Jeopardy Assessment

The proposed Port Washington to Range Line and Port Washington to Saukville Transmission Line Project will result in minor and temporary disturbance to Butler's gartersnake habitat within several wetlands and uplands along their existing powerline corridor. These habitats should recover with little or no impact to their quality following completion of the project. Although Butler's gartersnakes have not been formally documented along the existing powerline corridor, their presence is highly likely due to their occurrence in the area and the habitat that occurs along the corridor. Incidental Take is presumed because several suitable wetlands will be crossed to accomplish the proposed work. To minimize the take of this snake, we are requiring that several conservation measures be followed. These are listed below under Conservation Measures. The department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part. The benefits to public safety justify this activity. The basis for this assessment is that the temporary habitat disturbance is unlikely to jeopardize the population along the corridor and the take of individual snakes is expected to be extremely low.

Conservation Measures

The following conservation measures will be adhered to for the purpose of minimizing any adverse effect on the state threatened Butler's Garter snake.

1. All work conducted within suitable Butler's gartersnake habitat should occur between November 1 and March 15. The snakes will be in hibernation where the risk of take is low.
2. No mechanized clearing of vegetation in the wetlands at any time. Prior to November 1, 2003 no mechanized clearing will be conducted within 180 feet of a wetland area.
3. If construction occurs when the ground is not frozen, a removable pad or mat shall be used for the support of equipment in order to minimize the disturbance to the wetland habitat.
4. Existing habitats must be restored to the same or better natural habitat conditions following the transmission line work. Any needed reseeding along the installation corridor should be done as soon as conditions permit (non-frozen, non-saturated soils) in the spring following the installation in order to establish vegetation as quickly as possible.
5. All erosion and sediment control measures must be strictly adhered per applicable DNR permits. Erosion control structures must be removed as soon as enough vegetation has been established to effectively control erosion.
6. Where powerline tower work cannot be finished prior to March 15, 2003, follow these guidelines:
    - Prior to March 15, 2003, install snake exclusion fencing (trenched in sediment fencing) around any powerline towers that are in uplands and within 180 feet of open-canopy wetlands. The fencing is to be installed in a circular manner around the construction footprint, leaving as narrow a gap as possible for equipment entry. The entry opening must be on the away from the wetland side to the best extent possible, recognizing that there may be wetlands on both sided of the tower within 180 feet. Where the fencing is breached for equipment entry, the ends of the fence are to be wrapped around and back away from the entry area. These "wings" should be at least 50 feet in length. This is done to redirect snakes away from the opening.
    - Fencing needs to be maintained until the individual powerline tower has been repaired or reinstalled. Fencing should be monitored daily and repairs are to be made within 24 hours.